

APPROVED: Meeting No. 38-93

ATTEST: *Paula S. Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 33-93

September 27, 1993

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on September 27, 1993, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. The Mayor and Council will meet in worksession with the Planning Commission on Wednesday, September 27th at 7:00 p.m. to review the Master Plan.
2. On September 28th, there will be another meeting of the citizen police academy, which provides an opportunity for citizens to learn more about police department operations and receive some specific training.
3. Staff have been vigorously pursuing the Mayor and Council's goal of looking at alternatives for solid waste disposal and have also been following up on the results from the City's recent public hearing. The public hearing resulted in the exchange of a lot of positive

information, and staff is continuing with citizen outreach efforts. Mr. Romer said that staff's goal was to have the matter back before the Mayor and Council at the October 11th General Session.

4. Mr. Romer noted two consent items on the evening's agenda pertaining to the issuance of bonds and the refinancing of the City's existing debt. Mr. Romer pointed out that the City had planned on a bond issuance to finance the capital improvement program sometime later in the fiscal year; however the interest rate situation was extremely favorable and after consultation with the City's bond counsel and financial advisors, the decision was made to issue the bond and refinance existing debt at this time. Mr. Romer said the City anticipated considerable savings from this action, in excess of 2 million dollars over the term of refinancing.

5. Mr. Romer introduced Rod Sloan, a Shire Engineer in Victoria, Australia, who was visiting the U.S. for seven weeks to study transdevelopment rights. Mr. Sloan expressed greetings to the Mayor and Council and presented gifts from Victoria to the Council.

Re: Proclamation declaring
September 15 through
October 15, 1993 as
**HISPANIC HERITAGE
MONTH.**

Proclamation No. 12-93

By unanimous vote of the Mayor and Council, September 15 through October 15, 1993 was declared "Hispanic Heritage Month" in Rockville. The Proclamation was read, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Galo Correa, President of Hispanics United for Rockville, accepted the Proclamation.

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Re: Presentation of certificates of appreciation to civic organizations for public beautification projects.

Rob Orndorf and Mayor Duncan presented certificates of appreciation to the following civic organizations for public beautification projects in the City's public rights-of way: Rockshire Garden Club, Woodley Gardens, Garden Club of College Gardens, Watts Branch Traffic Circle, Talbott Street Water Tower and New Mark Commons.

Re: Appreciation to sponsors of the Rockville Rotary Twilight Runfest.

Plaques and certificates were presented to 34 financial sponsors and major random award sponsors for their contributions to the Rockville Rotary Twilight Runfest. In addition, Chuck Lyons, Publisher of the Rockville Gazette, presented a check in the amount of \$10,000 to the City of Rockville for its Recreation youth programs.

Re: Presentation on activities of Rockville Police Department Explorer Post.

Members of the City Police Department's Explorers presented a report on the Post's past years activities. Rockville Police Officer and Post Advisor, Tim Marsh introduced Post Captain Penny Webster, Administrative Sergeant Christina Bater, and Senior Sergeant Brian Miller. Officer Marsh gave an overview on some of the activities and said they have had a positive impact in the City.

Councilmember Coyle noted that the City had received a number of compliments about the Explorers program, and he said that the Mayor and Council appreciated the hard work of

the group. Mayor Duncan commented on the Post's high visibility and the number of hours put in by the Explorers.

Re: Appreciation from
Southern Christian
Leadership Conference
(SCLC) Executive Board
Members, to the Mayor
and Council for their
assistance with the August
1993 SCLC Convention.

Dr. Jim Moone, President of the SCLC Montgomery County Chapter commented on the August 24-28 convention. Dr. Sterling King, on behalf of the Executive Board, expressed their gratitude and appreciation for the Mayor and Council's and City's support. Dr. Moone noted that delegates in attendance at the convention totaled approximately 3,000. He also said that a biracial taskforce that will address the bridge overpass issue would be established in October, and there would also be a feasibility study to look at the idea of a convention center in Rockville.

Re: Citizens Forum

1. Mansfield Kasemen, 704 Carter Road thanked the Mayor and Council and their predecessors of the mid-1970s for declaring and maintaining sanctions against South Africa. Dr. Kaseman noted that Nelson Mandela had asked the U.S. to call off those sanctions.
2. William Kominers, Tower Dawson Limited Partnership, asked for the Mayor and Council's support in approving the proposed amendment to the Tower Dawson Concept Plan. He said the resolution that was scheduled to come before the Mayor and Council was reasonable and although it was more complex than they would have liked, it equitably addressed what were necessary uncertainties in the current situation, provided the proper amount of flexibility to address

future decisions, and gave assurances that public and private processes of both development and public facilities could proceed without impeding each other.

Re: Consent Agenda

Councilmember Coyle requested removal of Consent Item B. Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- (A) Approval of contract for maintenance and usage charges for the City's high volume copy machine, in the amount of \$26,218.00 to Eastman Kodak.

This is a sole source maintenance contract because only the manufacturer is authorized to perform maintenance on this machine. Sufficient funds are budgeted in the Public Information budget to purchase this service.

- (C) Award of Bid #24-94 for Storage Bins at the Recreation Services Building to Dewey East Excavating for the low bid amount of \$27,590.

Sufficient funds are budgeted in the Recreation and Parks CIP budget.

- (D) Introduction of Ordinance to Issue General Obligation Bonds in an Aggregate Amount not to exceed \$5,000,000.

- (E) Introduction of Ordinance to refund selected existing General Obligation Bonds in an amount not to exceed \$27,000,000.
- (F) Receipt of reports summarizing the financial results of City operations for the period from July 1, 1993 through August 31, 1993.

Re: Item (B): Declare Buenos Aires in default and take their bid bond of \$17,808.00 and award Bid 10-94 to Nazario Construction Co., Inc. of Beltsville, Maryland in the amount of \$351,445.00.

The project includes street repairs, utility street repairs, handicap ramps and miscellaneous small projects, including handrails on a pedestrian bridge.

Councilmember Coyle had requested that Item B be removed from the Consent Agenda in order to inquire why the lowest bidder was not able to meet their obligations and furnish bid bonds. He asked if a bid bond was required as part of the bid process.

Mr. Romer explained that the bid bond was to ensure the execution of a contract by a bidder and was used to cover situations when a contractor was unable or unwilling to perform the work. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council declared Buenos Aires to be in default and awarded Bid 10-94 to Nazario Construction Co., Inc. of Beltsville, Maryland in the amount of \$351,445.00.

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Re: Adoption of Ordinance to approve Text Amendment Application T-134-93, Paul D. Haines, Applicant.

Amendment to the Zoning Ordinance so as to allow covered steps, stoops and porches to encroach up to four feet minimum side setback space.

Ordinance No. 12-93

Upon motion by Councilmember Coyle, duly seconded and unanimously passed, the ordinance approving Text Amendment Application T-134-93 so as to allow covered steps, stoops and porches to encroach up to four feet minimum side setback space was adopted, the full text of the ordinance can be found in Ordinance Book No. 18 of the Mayor and Council.

Re: Adoption of Ordinance to levy assessments for construction of Wootton (Ritchie) Parkway between Seven Locks Road and Rockville Pike - Project NO. 1D11.

Ordinance No. 13-93

Mr. Glasgow explained that since the introduction of the ordinance, there had been time deferrals for acting on the matter to allow by Woodmont Country Club an opportunity to present additional information to the Mayor and Council. As a result, staff suggested that an amendment be made to move the date of the first payment from September 30th to October 31, 1993. Mr. Glasgow explained that thereafter in subsequent years, the payment cycle would fall in line with that of ordinary property taxes. The amendment was moved by Councilmember

Krasnow, duly seconded and unanimously passed. The ordinance, as amended, was moved by Councilmember Marrinan, duly seconded and unanimously adopted levying assessments for construction of Wootton Parkway between Seven Locks Road and Rockville Pike. The full text of the ordinance can be found in Ordinance Book No. 18 of the Mayor and Council.

Re: Adoption of Ordinance to levy assessments for construction of Wootton (Ritchie) Parkway water transmission main and appurtenances between Seven Locks Road and Rockville Pike - Project No. 4A33.

Ordinance No. 14-93

Upon motion by Councilmember Robbins, duly seconded and unanimously passed, the ordinance was amended to move the date of the first payment back to October 31, 1993. Upon motion by Councilmember Krasnow, duly seconded and unanimously passed, the ordinance, as amended, was adopted levying assessments for construction of Wootton Parkway water transmission main and appurtenances between Seven Locks Road and Rockville Pike. The full text of the ordinance can be found in Ordinance Book No. 18 of the Mayor and Council.

Re: Adoption of Resolution to amend Comprehensive Planned Development Concept Plan CPD-1-85, Tower Dawson Limited Partnership, Applicant.

Amendments to the approved Concept Plan for the Tower Oaks development to eliminate the planned lake and substitute a site for a

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Stream Valley Park and a potential site for a future storm water management facility, and make other associated amendments to the Concept Plan.

Resolution No. 21-93

Assistant City Attorney Sondra Block gave an overview of the technical amendments in the Resolution. She pointed out that the most important change appeared on page 9 where in Sections 2 and 4 there were inaccurate references to paragraph 8D; she noted that the correct reference was paragraph 8C. Ms. Block also noted that on page 10, in the last line of section 5, the reference should be paragraph 2F instead of paragraph F. On the bottom of page 17, the word "application" should be deleted and at the top of page 18, the word "approval" should be deleted and the words "as amended" were to be substituted instead. On page 24, in the 13th line, the phrase "or other securities" should be added after the phrase "subject to such conditions including bonding". Ms. Block also noted that the next to last exhibit should be labeled Exhibit G.

Upon motion by Councilmember Marrinan, duly seconded and unanimously passed with Councilmember Krasnow abstaining, the amendments were approved. Upon motion by Councilmember Robbins, duly seconded and unanimously passed, with Councilmember Krasnow abstaining, the amended Resolution, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted.

Re: FYI/Correspondence

1. Councilmember Krasnow said she was pleased to see that the Dogwood Park playground equipment would be restored with different and safer material.

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Re: New Business

1. Councilmember Coyle asked for an update on the Scott Drive and Veirs Road Committee. Mr. Romer explained that the information was approved by the City's committee and submitted to Montgomery County in accordance with the procedures; the County was reviewing all of the recommendations and once the review was completed, the County's report would go back to the neighborhood committee who will assess the results and issue a final report of recommendations that will come back to the City and the County for implementation.

2. Regarding Reverend Kaseman's earlier comments, Councilmember Coyle asked if the Mayor and Council needed to take some type of action to reverse the South African ban imposed several years ago. He asked that staff research what action was taken to impose the ban and find out what needed to be done to reverse the City's position.

3. Councilmember Krasnow said she was concerned that the County's feasibility study only identified Silver Spring and Bethesda for the site of a convention center. She asked that staff initiate the lead on ensuring that Rockville was also considered as a site. Mayor Duncan noted that this was already underway by staff.

Re: Next Meeting

On September 29, 1993, the Mayor and Council will hold a Worksession at 7:00 p.m. to meet with the Planning Commission regarding the Master Plan. The next General Session of the Mayor and Council is scheduled for October 11, 1993.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 8:52 p.m., to reconvene again at 7:00 p.m. on September 29, 1993, or at the call of the Mayor.